

# Holland & Knight

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*Via ECF*  
Honorable Joel H. Slomsky, U.S.D.J.  
U.S. District Court for Eastern District of Pennsylvania  
13614 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: *Shannon Phillips v. Starbucks Corporation*  
Civil Action No.: 1:19-cv-19432-JHS-AMD

Dear Judge Slomsky:

As you are aware, our office represents Defendant Starbucks Corporation in the above-referenced matter. Now that Plaintiff has confirmed her pre-judgment calculations (ECF 197), Starbucks requests the opportunity to submit a sur-reply, as requested in its Response Brief (ECF 196). Plaintiff cannot use her entire back-pay award (\$1.053 million) as the principal because it assumes Plaintiff would have collected \$1.053 million in back-pay if judgment was entered in 2019 – which according to Mr. Scherf’s calculations (ECF 175-2) is not the case.

Plaintiff’s citation to *Crowley v. Chait*, 2005 U.S. Dist. LEXIS 40828, \*29, (2005 WL 8165119) is inapposite as it does not measure pre-judgment interest for back-pay damages. In an employment discrimination lawsuit, “the principal cannot be the ‘entire back-pay award from the date of his termination’ because [s]he would not have been paid the lump sum of two years’ pay on the day [her] employment was terminated. . . . ***The proper calculation should use a growing principal that includes prior unpaid salary periods.***” *Billman v. Easton Area Sch. Dist.*, No. CV 20-2730, 2022 WL 3139748, at \*5-6 (E.D. Pa. Aug. 5, 2022) (quoting *Reed v. Mineta*, 438 F.3d 1063 (10th Cir. 2006)).

Given that Ms. Phillips’ would not have received her entire back-pay award if the judgment was granted in 2020 nor 2021 rather than 2023, and presumably would have been significantly lower given the nature of back-pay awards, the Court must not use the \$1,053,133.00 as the principal. As such, Starbucks requests the opportunity to submit a formal Sur-Reply.

Respectfully submitted,

/s/ *Richard Harris*  
Richard Harris  
cc: All Counsel of Record (via ECF)